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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 MIKE WESLEY BATTLE,)
8 Plaintiff,) CASE NO. C18-0944RSM
9 v.) ORDER DIRECTING PLAINTIFF TO
10 WAYNE JAWNER, *et al.*,) AMEND COMPLAINT
11 Defendants.)
12 _____)

13 *Pro Se* Plaintiff Mike Wesley Battle is proceeding *in form pauperis* in this matter. Dkt.
14 #5. He Complaint was filed on July 17, 2018. Dkt. #6. Summonses have not yet been issued.
15 Although not entirely clear, Plaintiff appears to allege that was wrongly arrested and jailed after
16 his girlfriend reported an allegedly false domestic violence incident. Dkt. #6. He states that he
17 was held in jail for three weeks without a hearing and then released. *Id.* He asserts that he was
18 the victim of discrimination when he was jailed, and when he was subsequently evicted from his
19 apartment. *Id.* He states that he suffers severe depression as a result.¹ *Id.*

22 As federal courts are courts of limited jurisdiction, a plaintiff bears the burden of
23 establishing that his case is properly filed in federal court. *Kokkonen v. Guardian Life Ins. Co.*,
24 511 U.S. 375, 377, 114 S. Ct. 1673, 1675, 128 L. Ed. 2d 391 (1994); *In re Ford Motor*
25 *Co./Citibank (South Dakota), N.A.*, 264 F.3d 952, 957 (9th Cir. 2001). This burden, at the
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28 ¹ Plaintiff also states that if he “finds Wayne Jawner,” he will “kill him.” Dkt. #6 at 3. The Court takes such threats seriously and will not tolerate them in pleadings before the Court.

1 pleading stage, must be met by pleading sufficient allegations to show a proper basis for the
2 federal court to assert subject matter jurisdiction over the action. *McNutt v. General Motors*
3 *Acceptance Corp.*, 298 U.S. 178, 189, 56 S. Ct. 780, 785, 80 L. Ed. 1135 (1936). Further, the
4 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
5 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
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7 *See* 28 U.S.C. § 1915(e)(2)(B).

8 In this case, Mr. Battle has failed to demonstrate both jurisdiction before this Court and
9 that his claims are not frivolous. Because his Complaint is not made in the appropriate form, the
10 Court is unable to determine the identity of each Defendant, the specific role each Defendant has
11 allegedly played in the alleged incidences, the dates the alleged incidences occurred, or the relief
12 sought by Plaintiff. *See* Dkt. #6. Nor can the Court discern the laws, statutes or constitutional
13 rights allegedly violated by Defendants. *Id.*

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15 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint
16 **no later than twenty-one (21) days from the date of this Order.** In the Amended Complaint,
17 Plaintiff must include a short and plain statement demonstrating to the Court that his action is
18 appropriate in this jurisdiction. He should also include the information identified above. Plaintiff
19 may secure a Complaint form on the Court's public website.
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21 The Clerk shall send a copy of this Order to Mr. Battle at the address identified on the
22 Court's docket.

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24 DATED this 18th day of July, 2018.

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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE